

Exhibit L

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6)
IN RE APPLE iPHONE TRUST) CIVIL ACTION NO.
7 LITIGATION) 4:11-cv-06715YGR

8

11 ** HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY **
12 REMOTE PROCEEDINGS OF
13 VIDEOTAPED DEPOSITION OF PHILLIP B. SHOEMAKER
14 TUESDAY, JANUARY 12, 2021

22 REPORTED BY: REAGAN EVANS, RPR, RMR, CRR, CCRR,
23 CLR, CRC, CA CSR NO. 8176

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1 VIDEOTAPED DEPOSITION OF PHILLIP B. SHOEMAKER, TAKEN
2 REMOTELY ON BEHALF OF THE PLAINTIFF AT 9:04 A.M.,
3 TUESDAY, JANUARY 12, 2021, AT SAN DIEGO, CALIFORNIA,
4 BEFORE REAGAN EVANS, CA CSR NO. 8176, RPR, RMR, CRR,
5 CCRR, CLR, CRC.

6

7 APPEARANCES OF COUNSEL

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1 APPEARANCES OF COUNSEL (CONTINUED)

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1 APPEARANCES OF COUNSEL (CONTINUED)

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1 APPEARANCES OF COUNSEL (CONTINUED)

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14 ALSO PRESENT: NEIL GEORGE, VIDEOGRAPHER

15 MATTHEW REISDORPH, REMOTE TECH

16 TED WOJCIK, APPLE

17 (ALL APPEARING REMOTELY)

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A horizontal bar chart with 10 categories on the y-axis and sample counts on the x-axis. Category 0 has 100 samples, while categories 1 through 10 each have 1000 samples.

Category	Number of Samples
0	100
1	1000
2	1000
3	500
4	1000
5	1000
6	1000
7	1000
8	1000
9	1000
10	1000

12 MR. EVEN: So I'm going to mark as
13 Exhibit 96 a page that we've printed out from your
14 profile on LinkedIn.

15 (Whereupon Shoemaker Exhibit 96 was
16 marked for identification and
17 attached hereto.)

18 MR. EVEN: Amal, please let us know once
19 that's in Mr. Shoemaker's folder.

MS. EL BAKHAR: Yes, it says it's loaded.

21 BY MR. EVEN:

22 Q Mr. Shoemaker, please take a look and see
23 if you can open that up.

24 A Yes. I can open it up.

8 And does this seem like a correct copy of

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1 your profile on LinkedIn?

2 A Yes, it does look accurate.

3 Q And is your LinkedIn profile generally
4 accurate and current?

5 A Generally, yes.

6 Q And so if I look at the first page, it says
7 (as read and/or reflected:)

8 I'm available to help
9 developers get their apps onto the
10 App Store, and have been advising
11 numerous entities on the issues
12 they face when getting removed from
13 the App Store.

14 Do you see that?

15 A Yes, I do.

16 Q And in what way do you help developers get
17 their apps into the App Store?

18 A That's -- there's a variety of ways. Most
19 developers have issues in just getting Apple to
20 re-review their apps.

21 And I developed a technique that allows
22 those apps to get re-reviewed relatively quickly.

23 Q And at a high level, can you explain what
24 that technique is?

25 A To accurately describe the problems that

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1 they're facing and to send those -- send an e-mail
2 to the highest authorities at Apple that manage the
3 App Store.

5
6 Q And when you say accurately describe the
7 problems that the app developer is facing, how does
8 the app developer know what exactly is the problem
9 that it's facing?

10 A Because they get rejection notices from the
11 Apple -- the App Store Review team that tells them
12 what issues they are facing.

14 And how often do you help developers with
15 issues with getting approved onto the App Store?

16 A Could be once a month. Could be once a
17 week. It depends on -- just on people getting in
18 touch. I helped someone last week, but nobody
19 recently has contacted me.

20 Q Okay.

21 And is there a difference in the way to
22 approach the issue if you're dealing with somebody
23 who is trying to get onto the App Store as opposed
24 to somebody who has been removed from the App Store?

25 A Each one is different. Each one is

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A 20x20 grid of black bars on a white background. The bars are arranged in a pattern where most are horizontal, but some are vertical or form small clusters. The grid is bounded by a thick black border.

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1 STATE OF CALIFORNIA)
2 COUNTY OF LOS ANGELES) ss.
3

4 I, Reagan Evans, RPR, RMR, CRR, CCRR, CLR, CRC,
5 CSR No. 8176, in and for the State of California, do
6 hereby certify:

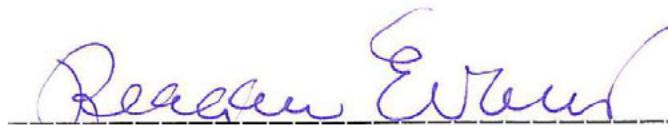
7 That prior to being examined, the witness named
8 in the foregoing deposition was by me duly sworn to
9 testify to the truth, the whole truth, and nothing
10 but the truth;

11 That said remote deposition was taken down by me
12 in shorthand at the time and place therein named and
13 thereafter reduced to typewriting under my
14 direction, and the same is a true, correct, and
15 complete transcript of said proceedings;

16 That if the foregoing pertains to the original
17 transcript of a deposition in a federal case, before
18 completion of the proceedings, review of the
19 transcript { } was { } was not required.

20 I further certify that I am not interested in
21 the event of the action.

22 Witness my hand this 13th day of January, 2021.

23 
24

25 Certified Shorthand Reporter
for the State of California

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1 ** HIGHLY CONFIDENTIAL UNDER THE PROTECTIVE ORDER **

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

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IN RE APPLE iPHONE TRUST) Civil Action No.

LITIGATION) 4:11-cv-06715YGR

REMOTE VIDEOTAPED DEPOSITION

OF

PHILLIP BURTON SHOEMAKER

VOLUME II

Thursday, January 14, 2021

San Diego, California

Reported by:

B. Suzanne Hull, CSR No. 13495

Pages 330 - 590

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1 UNITED STATES DISTRICT COURT

2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3 OAKLAND DIVISION

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IN RE APPLE iPHONE TRUST) Civil Action No.

8

LITIGATION) 4:11-cv-06715YGR

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Remote videotaped deposition of

12

PHILLIP BURTON SHOEMAKER, Volume II, taken on behalf of Plaintiff, at San Diego, California, beginning at 9:07 a.m., and ending at 3:27 p.m., on Thursday, January 14, 2021, before B. SUZANNE HULL, Certified Shorthand Reporter No. 13495.

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The Concierge: Vincent Maggiano

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Also Present: Amanda Salas

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Lauren E. Kloss

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6 I don't know -- I don't know the number of
7 the next exhibit in order, but if you could just --
8 just pull it up, and you can -- you can tell me.

9 MR. SIEGEL: And, Liz, please make sure that
10 all the remaining -- all the remaining exhibits are
11 up. I think it should just be two more, the one
12 Mr. Shoemaker is looking at and the next one.

13 MS. AVERY: Okay.

14 (Plaintiffs' Exhibit Number PX-166
15 was marked for identification.)

16 THE WITNESS: Okay.

17 BY MR. SIEGEL:

18 Q. So Mr. Shoemaker, what -- what exhibit
19 number do you have in front of you right now?

20 A. 166-03.

21 Q. Okay. Is that Bates numbered
22 API-APPSTORE_00334340?

23 A. Yes, it is.

24 Q. Okay. Thank you.

25 So looking at the top of the first page,

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1 So is that fair to say?

2 A. Yes, it is.

3 Q. Thank you.

4 So let's look at Exhibit 168.

5 (Plaintiffs' Exhibit Number PX-168

6 was marked for identification.)

7 THE WITNESS: Okay. I have opened it.

8 BY MS. MANIFOLD:

9 Q. Thank you.

10 Exhibit 168 is Bates stamped 03233853, and
11 it is entitled app review over- -- overview; is that
12 right? Yes.

13 And then you'll notice in the far right --
14 unfortunately, the sticker stamp is over it. There
15 is a faint thing that says 12/05/10 at the very
16 bottom. Unfortunately, the sticker covers it. We
17 can try and redo that if there is a problem, but I'll
18 represent that -- for this moment that that is what
19 that date says -- that date says.

20 From a high level, does this depict the flow
21 of the app review process in about 2010?

22 A. Yeah. Let me have a look at it really fast.
23 It appears to be accurate, yes.

24 Q. And in looking it over, did this -- this
25 overview -- this high level view of the app review

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1 process, [REDACTED]

[REDACTED]

[REDACTED]

4 Q. So let's just start at the front door; so in
5 order to get an app submitted, is it fair to say you
6 had to be first a paid member of the app developer
7 program? Correct?

8 A. Yes. That's correct.

9 Q. And then you had to create a bill, the final
10 signed application; correct?

11 A. Yes. That's correct.

12 Q. And then you could go to the front door and
13 upload the app, which is where that big bubble at the
14 top says app submitted; is that correct?

15 A. Yes.

[REDACTED]

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A horizontal bar chart consisting of 20 black bars of varying lengths. The bars are arranged in a grid with 4 columns and 5 rows. The first column has 5 bars, the second has 6, the third has 4, and the fourth has 5. The bars are black with thin white outlines, set against a white background with a light gray vertical grid line.

25

Q. So if all those issues cleared, then the app

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1 would be approved; is that correct?

2 A. That is correct.

3 Q. And then the app would be, in some way or
4 form, loaded onto the App Store; correct?

5 A. That's correct.

6 Q. And how are -- from a very high level of
7 view, how are the apps then loaded on the App Store?

8 A. Well --

9 Q. Well, let me -- that is -- that is too broad
10 a question. I apologize for that.

11 So when the app is loaded onto the
12 App Store, is it loaded into a specific category?

13 A. Developers, yes. Developers submit --
14 when -- during their submission process, part of
15 iTunes Connect, when they enter all the marketing
16 data, there is two other -- there is two main things
17 that they put there. They put in a category and
18 a subcategory of which they want to be presented.
19 Apple doesn't control that. The developer controls
20 it.

21 And they self rate. They talk -- they
22 answer a series of questions to determine what the
23 app should be rated. Should we rate it four plus,
24 nine plus, twelve plus, or seventeen plus. And that
25 just means the severity of the content; right? The

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1 adulthood of the content, if you will.

2 So they make those changes. They set those
3 themselves. And then when it comes time, once my
4 team would approve the app, it would get put into
5 a queue that -- that ultimately gets uploaded to the
6 store. [REDACTED]

[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

[REDACTED]. But once my
11 team pressed approved, they got some -- they got
12 placed on the store in the category in which they
13 selected.

14 Q. So from a user perspective, how is the
15 App Store organized? You mentioned categories.
16 I assume that is one. How else was the App Store
17 organized from a high level user perspective?

18 A. Well, high level user perspective, the --
19 the user, when they would launch the App Store, they
20 would see a series of boxes on the screen that are
21 these ones that the App Store marketing team wanted
22 to feature. They call them splashes that you put up
23 on the -- on the -- on the App Store. You could
24 search by -- you could search by anything. You could
25 go into categories -- various categories. I have

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1 forgotten all the categories, but utilities,
2 lifestyle, games -- things like that. They could
3 choose those and -- and walk through them.

4 And then there is charts. There were charts
5 for most downloaded or top downloaded. Top grossing;
6 so apps that were making the most money. That means
7 a lot of people were spending a lot of time on those,
8 et cetera.

9 Q. Okay. So let's go back into the App Store
10 now. We have gotten an app approved. Now let's go
11 back in. Let's assume that we are reviewing the
12 binary and there is an IAP.

13 | What would happen next?

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A 20x20 grid of black bars. The bars are arranged in a pattern where most are solid black, but some are partially cut off on the right edge. The pattern is roughly a 4x5 grid of solid bars, with a 2x2 block of bars missing from the top-right corner.

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3 Q. Okay. Meaning that, you know, developers
4 knew that, for example, you know, you had to have
5 a certain type of IAP or certain types of functions
6 triggered an IAP, things like that, clarification?

7 A. Yes. Clarification in general all across
8 the board. For us it was -- for some reason
9 developers thought that because there was no
10 pornography app on the store that they could submit
11 pornography. They would be the first ones out there;
12 so we had a lot of those. And -- and until we wrote
13 guidelines saying we will not accept this, they kept
14 trying.

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1 Q. Okay. And I didn't ask you, what is the
2 engine consolidation app from a -- now, don't be
3 technical -- from a very, you know, normal person
4 point of view?

5 A. Yeah. So these are apps that all look the
6 same. Let's say -- let's say you want to -- you want
7 a weather app; right? You don't want to use Apple's
8 built-in weather app. You want your own; so people
9 would create a Cupertino weather app, a Sunnyvale
10 weather app, a -- a San Diego weather app,
11 a Carmel Valley weather app, an Encinitas weather
12 app. I mean, they inundated the store. They all
13 look the same; they just changed the name and the
14 location that it gave the weather for; so those were
15 apps that we would say, you need to consolidate that.
16 Just give us one weather app that uses your geo
17 location to give me the weather in that area, you
18 know. You don't need one specifically for Seattle.
19 Just -- just allow them to choose Seattle as one of
20 the -- the weathers that you want to look at.

21 So there were those. There were ones for
22 lawyers. There were ones for barbers. There were
23 ones for everything.

24 Q. Okay.

25 A. So they would submit tens of thousands of

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1 these at once. Literally, we would get one app -- we
2 would get 10,000 apps submitted by one developer in
3 one -- over the course of a weekend.

4 Q. Okay. Well, that makes sense.

5 A. Yeah.

6 Q. Well, I have seen the weather app before,
7 and in San Diego 365 days a year it is always
8 70 degrees. I can see how that would be a little
9 terrible.

A bar chart consisting of 15 horizontal black bars. The bars are arranged vertically, decreasing in length from top to bottom. The first bar is the longest, and the 15th bar is the shortest. The bars are separated by small gaps.

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1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF KERN)
4

5 I, B. Suzanne Hull, a Certified Shorthand
6 Reporter in the State of California, holding
7 Certificate Number 13495, do hereby certify that
8 PHILLIP BURTON SHOEMAKER, the witness named in the
9 foregoing deposition, was by me duly sworn; that said
10 deposition, was taken Thursday, January 14, 2021, at
11 the time and place set forth on the first page
12 hereof.

13 That upon the taking of the deposition, the
14 words of the witness were written down by me in
15 stenotypy and thereafter transcribed by computer
16 under my supervision; that the foregoing is a true
17 and correct transcript of the testimony given by the
18 witness.

19 Pursuant to Federal Rule 30(e), transcript
20 review was requested.

21 I further certify that I am neither counsel
22 for nor in any way related to any party to said
23 action, nor in any way interested in the result or
24 outcome thereof.

25 ///

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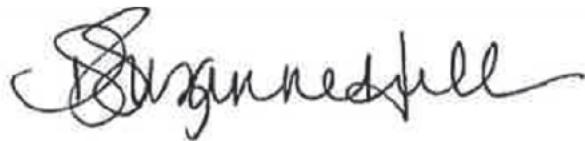
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1 Dated this 15th day of January, 2021, at
2 Bakersfield, California.

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5 B. Suzanne Hull, CSR No. 13495
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